05-P2-03

CPA/1600

PTO/SB/29 (05-03)
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OIPE JC03 MAY 09 2003 PATENT & TRADEMARK OFFICE

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable
☐ DUPLICATE

Address to:

Mail Stop CPA
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney Docket No. of Prior Application	014058-009810US
First Named Inventor	Cheever, Martin A.
Examiner Name	J. Hunt
Art Unit	1642
Express Mail Label No.	EV 333 837 449 US

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TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),

(continued prosecution application (CPA)) of prior application number 09/493,480

filed on January 28, 2000, entitled HER-2/NEU FUSION PROTEINS.

NOTES

FILING QUALIFICATIONS: *The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).*

C-I-P NOT PERMITTED: *A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).*

EXPRESS ABANDONMENT OF PRIOR APPLICATION: *The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.*

ACCESS TO PRIOR APPLICATION: *The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.*

35 U.S.C. 120 STATEMENT: *In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).*

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application
2. ☒ A preliminary amendment is enclosed with Exhibits A and B.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
   a. ☐ ***DELETE*** the following inventor(s) named in the prior nonprovisional application:
      _____
      _____
   b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☒ Information Disclosure Statement (IDS) is enclosed:
   a. ☒ PTO-1449
   b. ☒ Copies of IDS Citations - 12

This collection of information is required by 37 CFR 1.53(d). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 24 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop CPA, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	42-20* =	22	x $18=	$396
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	2-3** =	0	x $84=	$0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR1.16(d))			x =	
				BASIC FEE (37 CFR 1.16)	$750
			Total of above Calculations =		$1,146.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* *Reissue claims in excess of 20 and over original patent.* ** *Reissue independent claims over original patent.*			TOTAL =	$1,146.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No.20-1430 :

   a. ☒ Fees required under 37 CFR 1.16.

   b. ☒ Fees required under 37 CFR 1.17.

   c. ☒ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of $ _____ is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired

    [Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
    b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☒ Other: 4 Month Extension of Time x2; Fee Transmittal Sheet x2

NOTE: *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.*

14. NEW CORRESPONDENCE ADDRESS

☒ *Customer Number or Bar Code Label* — **Customer No. 20350** *(Insert Customer No. or Attach bar code label here)* — *or* ☐ New correspondence address below

Name					
Address					
City		State		*Zip Code*	
Country		Telephone		*Fax*	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Kevin Bastian
Signature	
Registration No. (Attorney/Agent)	34,774
Date	5/8/03

SF 1458520 v1